

RESOLUTION NUMBER 2011-014

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A CONDITIONAL USE APPROVAL PER SECTION 122-62 AND 122-63 OF THE CODE OF ORDINANCES FOR A BAR AND LOUNGE LOCATED AT 506 SOUTHARD STREET (RE# 00012290-000000) IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE - DUVAL STREET/GULFSIDE (HRCC-1) ZONING DISTRICT, PURSUANT TO SECTION 122-688(9) OF THE CODE OF ORDINANCES, KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is located in the Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1) zoning district; and

WHEREAS, Section 122-688(9) of the Code of Ordinances provides that bars and lounges are allowed as a conditional use within the Historic Residential Commercial Core- Duval Street Gulfside (HRCC-1) zoning district; and

WHEREAS, Section 122-61 of the Code of Ordinances allows applicants to request a conditional use approval; and

WHEREAS, the applicant filed a conditional use application for a bar and lounge to sell beer and wine at 506 Southard Street; and


Chairman

Interim Planning Director

WHEREAS, Section 122-62 outlines the criteria for reviewing a conditional use application by the Planning Board; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on March 17, 2011; and

WHEREAS, the Planning Board found that the proposed use complies with the criteria in Section 122-62; and

WHEREAS, the approval of the conditional use application will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as fully set forth herein.

Section 2. That a conditional use request, under the Code of Ordinances of the City of Key

West, Florida, per Section 122-688(9) is hereby approved as follows: allowing a 379 square foot consumption area for a bar and lounge including, 93 square feet of outdoor and 286 square feet of indoor consumption area, for property located at 506 Southard Street (RE# 00012290-000000), Key West, Florida, as shown in the attached survey and floor plan received January 31, 2011 with the following conditions:

1. Hours of operation are limited to Monday through Thursday 10am to 2am and Friday and Saturday from 10am to 4am and Sundays 12pm to 2am
2. The use is approved for the sale of beer and wine only; and
3. There will be no live music or outdoor music on the premises.
4. There will be no additional seats allowed without further City approvals.

Section 3. Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. This conditional use approval does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

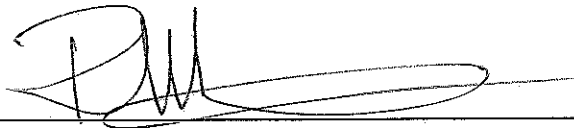
Section 5. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Section 7. The applicant shall obtain and maintain a Conditional Approval Permit from the City prior to issuance of a Certificate of Occupancy per Ordinance Number 10-22.

Read and passed on first reading at a regular meeting held this 17th day of March, 2011.

Authenticated by the Chairman of the Planning Board and the Interim Planning Director.



Richard Klitenick, Chairman
Key West Planning Board

3/31/2011
Date

Attest:

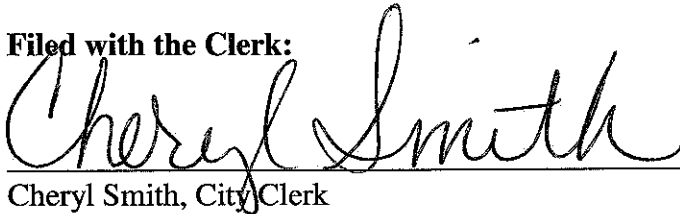


Donald Leland Craig, AICP
Interim Planning Director

3/28/11

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

3-31-11

Date



Chairman



Interim Planning Director



SURVEYOR'S NOTES:

North arrow based on assumed median

3.4 denotes existing elevation

Elevations based on N.G.V.D. 1929 Datum

Bench Mark No.: Basic Elevation: 14.324

Monumentation:

⊙ = fd. 1/2" Iron Pipe, P.L.S. No. 2749

▲ = fd. P.K. Nail, P.L.S. No. 2749

Field Work performed on: 6/19/98

Abbreviations:

Sty. = Story

R/W = Right-of-Way

fd. = Found

p. = Plat

m. = Measured

N.T.S. = Not to Scale

℄ = Centerline

Elev. = Elevation

B.M. = Bench Mark

P.O.C. = Point of Commence

P.O.B. = Point of Beginning

F.F.L. = Finish Floor Elevation

a/h = Overhead

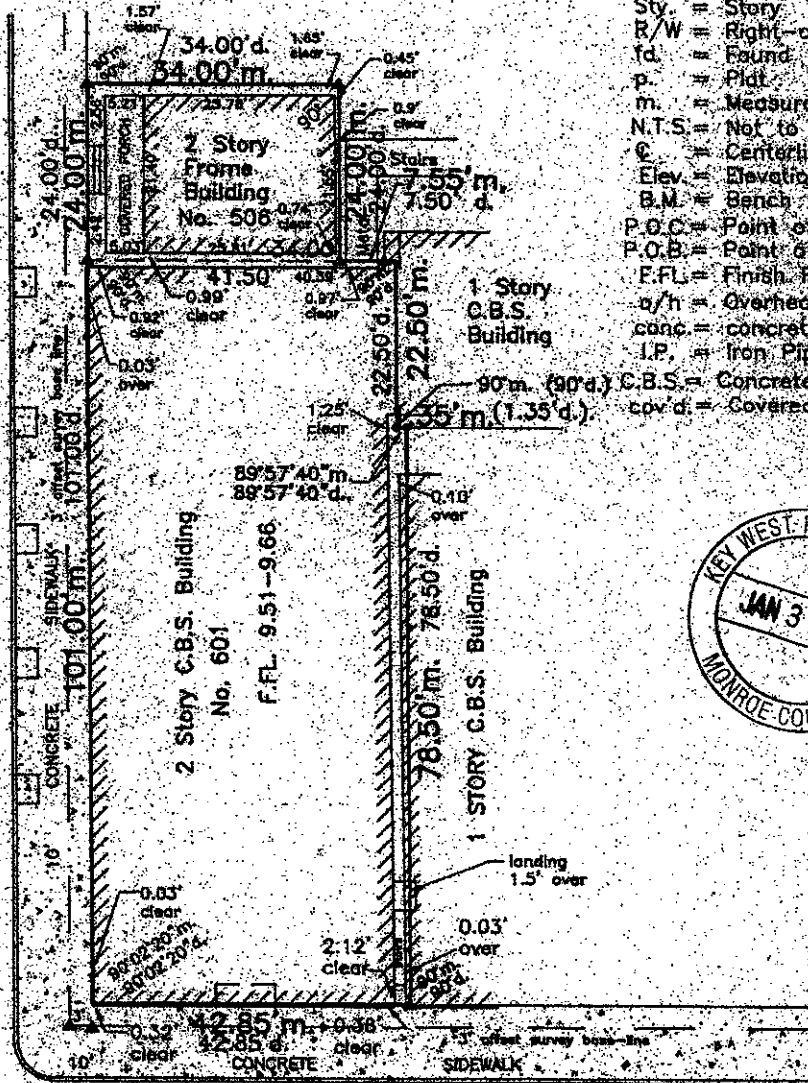
conc. = concrete

I.P. = Iron Pipe

C.B.S. = Concrete Block Stucco

cov'd. = Covered

SOUTHARD STREET
(50' R/W)



DUVAL STREET (50' R/W)

Old Town Key West Development Ltd.
601 Duval Street, Key West, Florida 33040

BOUNDARY SURVEY

Den. No.:
98-297

Scale: 1"=20'

Ref.
21-10

Flood panel No.
1716 C

Den. By: F.H.H.

Date: 6/4/96

File

Flood Zone: X

Flood Elev.

REVISIONS AND/OR ADDITIONS

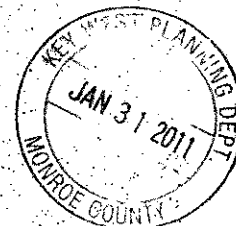
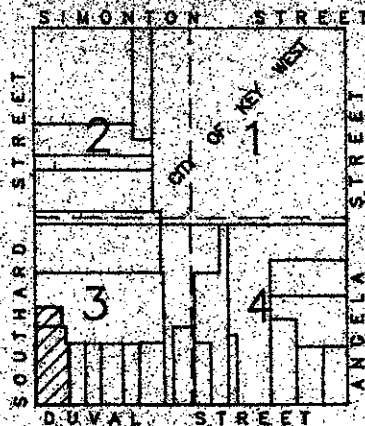
7/2/98: Updated

Re-platton

FREDERICK H. HILDEBRANDT
ENGINEER PLANNER SURVEYOR

3150 Northside Drive
Suite 101
Key West, FL 33040
(305) 293-0466
Fax: (305) 293-0257

RUK



LOCATION MAP

SQUARE 61, City of Key West, FL.

LEGAL DESCRIPTION:

A Part of Lot 3, Square 61, as delineated by William A. Whitehead's Map of said City of Key West, on February, 1829 A.D. and being more particularly described by metes and bounds as follows:

Begin at the intersection of the Northeastery Right-of-Way Line of Duval Street and the Southeastery Right-of-Way line of Southard Street; thence Southeastery along the the said Northeastery Right-of-Way Line of Duval Street for 42.85 feet; thence at a right angle and in a Northeastery direction for 78.50 feet; thence at angle to the Right of 89°57'40" and in a Northwesterly direction for 1.35 feet; thence at a right angle and in a Northeastery direction for 22.50 feet; thence at a right angle and in a Northwesterly direction for 41.50 feet to the said Southeastery Right-of-way Line of Southard Street; thence at a right angle and in a Southwesterly direction along the said Southeastery Right-of-Way Line of Southard Street for 101.00 feet to the Point of Beginning. Containing 4,297.4750 Square Feet, more or less.

AND:

A Part of Lot 3, Square 61, as delineated by William A. Whitehead's Map of said City of Key West, on February, 1829 A.D. and being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the Northeastery Right-of-Way line of Duval Street and the Southeastery Right-of-Way Line of Southard Street; thence in a Northeastery direction along the said Southeastery Right-of-Way Line of Southard Street for 101.00 feet to the Point of Beginning; thence continue in a Northeastery direction along the said Southeastery Right-of-Way Line of Southard Street for 24.00 feet; thence at a right angle and in a Southeastery direction for 34.00 feet; thence at a right angle and in a Southwesterly direction for 24.00 feet; thence at a right angle and in a Northwesterly direction for 34.00 feet to the said Southeastery Right-of-Way Line of Southard Street and the Point of Beginning. Containing 816 Square Feet, more or less.

This is to certify that this map or plat and the survey on which it is based were made (i) in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by the American Land Title Association, the American Congress on Surveying and Mapping and the National Society of Professional Surveyors in 1997, and includes items 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14, 15 and 16 of Table A thereof, and (ii) pursuant to the Accuracy Standards (as adopted by ALTA and ACSM and in effect on the date of this certification) of an urban survey and meets the minimum technical standards for surveys set forth by the Florida Board of professional Surveyors and mappers, pursuant to Chapter 61 G 17-6, Florida Administrative Code.

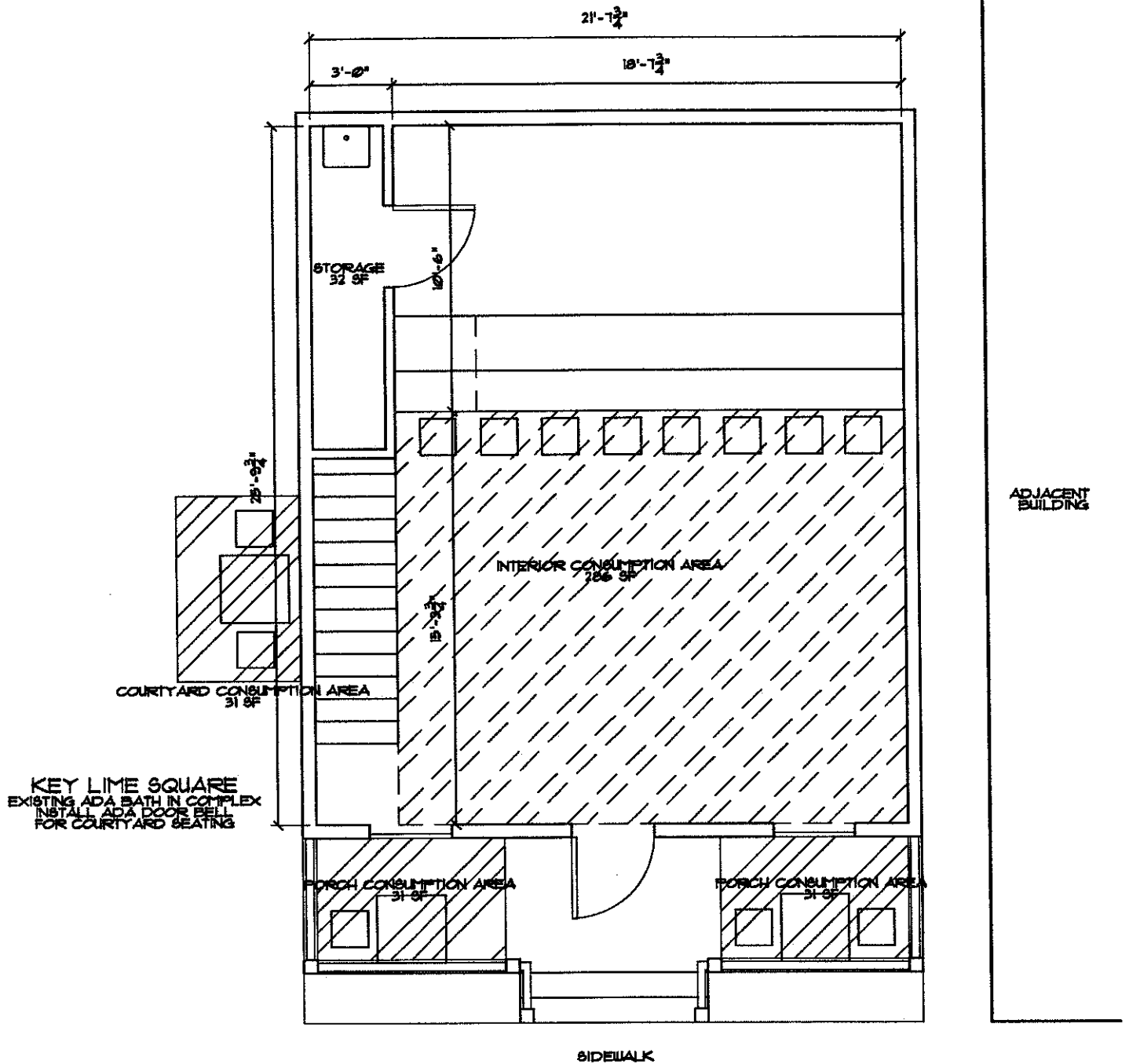
CERTIFICATION made to First Union National Bank, a national banking association, Independent Abstract & Title Company, Lawyers Title Insurance Corporation, Stearns, Weaver, Miller, Weissler, Ahldeff & Sitterson, P.A., and Old Town Key West Development, Ltd., a Florida limited Partnership.

CERTIFICATION:

I HEREBY CERTIFY that the attached BOUNDARY SURVEY is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 61G17-6, Florida Statute Section 472.027, and the American Land Title Association, and that there are no visible encroachments unless shown hereon.

FREDERICK H. HILDEBRAND
Professional Land Surveyor No. 2749
Professional Engineer No. 36810
State of Florida

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL & SIGNATURE



SOUTHWARD STREET

1ST FLOOR PLAN

3/16" = 1' - 0"

INTERIOR CONSUMPTION AREA: 286 SF
EXTERIOR CONSUMPTION AREA: 93 SF

PR
RWK